

112TH CONGRESS  
1ST SESSION

# H. R. 3336

To ensure the exclusion of small lenders from certain regulations of the  
Dodd-Frank Act.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2011

Mrs. HARTZLER introduced the following bill; which was referred to the  
Committee on Agriculture

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## A BILL

To ensure the exclusion of small lenders from certain  
regulations of the Dodd-Frank Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Small Business Credit  
5       Availability Act”.

6       **SEC. 2. CLARIFICATION OF SWAP DEALER DEFINITION.**

7       Section 1a(49)(A) of the Commodity Exchange Act  
8       (7 U.S.C. 1a(49)(A)) is amended by striking all that fol-  
9       lows clause (iv) and inserting the following flush language:

“provided however, in no event shall an insured depository institution or an institution chartered and operating under the Farm Credit Act of 1971 be considered to be a swap dealer to the extent that it enters into a swap—

“(I) with a customer that is seeking to manage risk in connection with an extension of credit by the institution to, on behalf of, or for the benefit of, the customer; or

“(II) to offset the risks arising from a swap that meets the requirement of subclause (I).”.

**SEC. 3. EXCLUSIONS FROM FINANCIAL ENTITY DEFINITION.**

Section 2(h)(7)(C)(ii) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(C)(ii)) is amended to read as follows:

“(ii) **EXCLUSION.**—Such definition shall not include an entity that is a small bank, savings association, farm credit system institution, or credit union if—

“(I) the total assets of the entity are \$30,000,000,000 or less; or

“(II) the aggregate uncollateralized outward exposure plus aggregate

1 potential outward exposure of the en-  
2 tity with respect to its swaps does not  
3 exceed \$1,000,000,000.”.

4 **SEC. 4. EFFECTIVE DATE.**

5 The amendments made by this Act shall take effect  
6 as if they had been included in subtitle A of title VII of  
7 the Dodd-Frank Wall Street Reform and Consumer Pro-  
8 tection Act.

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